

Art Unit: 1633

DETAILED ACTION - ALLOWANCE

Claim Status

Applicants' amendment filed March 10, 2010, in response to the advisory action dated January 15, 2010 has been entered. Claims 1, 3, 5, 6, 8, 9, 11, 12, 13, 14 and 16 have been amended, claims 4, 19, 21, 22 and 24 cancelled and claims 25 and 26 newly added. Accordingly, claims 1, 3, 5, 6, 8-17, 25 and 26 are pending in the application.

Claims 1, 3-6 and 8-17 were previously rejected under 35 U.S.C. §112, first paragraph, as non-enabled for the full scope of the invention. Applicants' cancellation of claim 4 renders its rejection moot. Applicants have amended the claims, limiting the claimed invention to the enabled scope previously indicated and obviating the grounds for rejection. Thus, the rejection is hereby withdrawn.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald L. Zuhn, Jr., on March 25, 2010.

The application has been amended as follows:

In the claims,

Claim 3 has been rewritten as follows:

3. A method according to claim 1, wherein the cells having stem-cell like characteristics are isolated from a cellular portion of the milk that is separated from an acellular portion.

REASONS FOR ALLOWANCE:

The following is an examiner's statement of reasons for allowance:

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The prior art of record fails to teach or make obvious the isolation of cells from human milk having expressed stem cell markers for SSEA-4 and Tra-1-60.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1, 3, 5, 6, 8-17, 25 and 26 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FEREYDOUN G. SAJJADI whose telephone number is (571)272-3311. The examiner can normally be reached on 6:30 AM-3:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fereydoun G Sajjadi/
Primary Examiner, Art Unit 1633